

ESTTA Tracking number: **ESTTA688343**

Filing date: **08/07/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Rive Gauche Jewelry Inc.
Granted to Date of previous extension	08/08/2015
Address	579 Fifth Avenue Suite 1105 New York, NY 10017 UNITED STATES
Attorney information	Ursula B. Day Law firm of Ursula B. Day 708 Third Avenue Suite 1501 New York, NY 10017 UNITED STATES patentlaw@ursuladay.net Phone:(212) 904 1815

Applicant Information

Application No	86327529	Publication date	06/09/2015
Opposition Filing Date	08/07/2015	Opposition Period Ends	08/08/2015
Applicant	Luxury Goods International (L.G.I.) S.A. Via Industria 19 6814 Cadempino, SWITZERLAND		

Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Precious metals and their alloys; worksof art of precious metal; jewelry, including costume jewelry, of precious metals; jewelry of alloys and plated, namely,rings, earrings, cuff links, bracelets,brooches, pendants, charms, jewelry chains and watch chains, necklaces, medals,and medallions; semi-precious stones and precious stones; horological and chronometric instruments, watches, watch bands and watch cases; key rings of precious-metals, of alloys or plated; presentation cases for watches; cases for clock making and watchmaking; jewelry cases and jewelry caskets

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Lanham Act, 15 U.S.C. Section 1125(a)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	RIVE GAUCHE JEWELRY
Goods/Services	jewelry, personal ornaments of precious metal, wearable works of art of precious metal

Attachments	RIVEGAUCHEJEWELRY.pdf(124276 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/Ursula B. Day/
Name	Ursula B. Day
Date	08/07/2015

**IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Appl. Serial No.: 86/327,529

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Rive Gauche Jewelry Inc.)	
)	
Opposer,)	
)	
vs.)	
)	
Luxury Goods)	
International (L.G.I) S.A.)	
)	
)	
Applicant.)	
-----	X	

Opposition No.

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Pursuant to 15. U.S.C. §1063 Rive Gauche Jewelry Inc. ("Opposer"), a New York corporation having an address at 579 Fifth Avenue, NY 10017, believes it will be damaged by registration in International Class 14 of the mark shown in Application Serial No. 86/327,529 by Luxury Goods International (L.G.I.) S.A. ("Applicant"), and hereby opposes registration of the same.

As grounds of opposition, it is alleged that:

1. Opposer is the owner of the name and mark Rive Gauche Jewelry and the mark RG and design (RG) standing for Rive Gauche (hereinafter: the Marks), and owns valuable common law rights and trademark rights in these.
2. Opposer has used Rive Gauche Jewelry since at least as early as July 1, 2013 in connection with the sale of jewelry, personal ornaments of precious metal, wearable works of art of precious metal;
3. Opposer's goods are high end merchandise and it has sold and is selling to a discerning clientele. The merchandise comprises also unique pieces made to order.
4. Opposer has expended money, time, and effort over the past years, promoting and popularizing the Marks, and preserving the good will associated therewith.
5. By virtue of these efforts and the excellence of its goods, Opposer has gained a valuable reputation for its Marks within a short time, which have become distinctive of and associated in the minds of the trade and purchasing public with Opposer as a provider of beautiful jewelry.
6. On July 6, 2014, Applicant filed an application under Section 1(b) of the Lanham Act based, seeking to register the mark Rive Gauche and design ("Applicant's Mark"), in International Class 14, which application was assigned Serial No.86/327,529. Opposer opposes Applicant's application to register Applicant's Mark in Class 14 for the following goods:

"Precious metals and their alloys; works of art (of precious metal); jewelry (including costume jewelry) of precious metals, of alloys and plated, namely rings, earrings, cuff links, bracelets, brooches, pendants, charms, chains and watch chains, necklaces, medals, medallions; semi-precious stones and precious

stones; horological and chronometric instruments, watches, watch bands and watch cases; key rings of precious metals, of alloys or plated; cases for watches (presentation) and cases for clock making and watchmaking; jewelry cases and jewelry caskets."

7. Applicant's Mark was published for opposition in the Official Gazette of the United States Patent and Trademark Office on June 9, 2015.

8. Priority is not an issue: Opposer used its Marks in U.S. commerce with jewelry prior to Applicant's filing date, and Opposer has not abandoned its Marks.

9. Applicant's Mark is similar in appearance, sound, and commercial impression to Opposer's Marks.

10. The opposed goods in Class 14 identified in Application No. 86/327,529 are identical and/or closely related to the goods sold under Opposer's Marks.

11. Applicant's application to register Applicant's Mark in International Class 14, and any use Applicant may have made of said mark on the goods identified therein, are without Opposer's consent.

12. Applicant's Mark so resembles Opposer's Marks as to be likely, when applied to the goods of Applicant, to cause confusion, to cause mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d). The aforesaid likelihood of confusion will damage Opposer within the meaning of 15 U.S.C. § 1063.

13. Applicant's Mark so resembles Opposer's Marks as to be likely, when applied to the goods of Applicant, to cause confusion, to cause mistake, or to deceive within the meaning of the Lanham Act, 15 U.S.C. §1125(a).

14. Opposer would be damaged by registration of Applicant's Mark in International Class 14 because registration would grant Applicant statutory rights under the Trademark Act of 1946, and would tend to restrict, interfere with, and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

WHEREFORE, Opposer prays that Applicant's U.S. Trademark Application Serial No. 86/327,529 to register the mark Rive Gauche and design in International Class 14 be rejected, and that registration of said mark in International Class 14 be refused and denied.

The filing fee of \$300 is being submitted herewith by credit card.

Please direct all correspondence to Ursula B. Day, Esq., at Law Firm of Ursula B. Day, 708 Third Avenue Suite 1501, New York, New York 10017 and all calls to the same at (212) 904-815; e-mails to patentlaw@ursuladay.net

Respectfully submitted,

/ursula b. day/

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Date: August 7, 2015

CERTIFICATE OF FILING

I certify that this NOTICE OF OPPOSITION is being submitted electronically to the Trademark Trial and Appeal Board at the United States Patent and Trademark Office on this 7th day of August, 2015.

/s/
Therese Balduzzi